

Senate Engrossed House Bill

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
First Regular Session  
2005

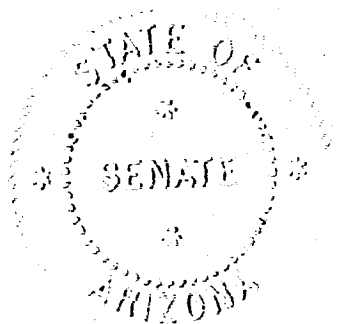
CHAPTER 276

# HOUSE BILL 2441

AN ACT

AMENDING TITLE 42, CHAPTER 11, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-11131; AMENDING SECTION 42-11152, ARIZONA REVISED STATUTES; RELATING TO PROPERTY TAX EXEMPTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)



Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 42, chapter 11, article 3, Arizona Revised Statutes, is amended by adding section 42-11131, to read:

42-11131. Exemption for low income Indian housing; definitions

A. PROPERTY OWNED AND OPERATED BY A FEDERALLY RECOGNIZED INDIAN TRIBE OR ITS TRIBALLY DESIGNATED HOUSING AUTHORITY IS EXEMPT FROM TAXATION, SUBJECT TO THE FOLLOWING REQUIREMENTS:

1. THE PROPERTY MUST BE USED EXCLUSIVELY FOR THE CHARITABLE PURPOSE OF PROVIDING LOW INCOME RENTAL HOUSING AND RELATED FACILITIES FOR THE USE OF INDIANS.

2. THE PROPERTY MAY NOT BE USED, HELD OR OPERATED FOR PROFIT.

3. NO PART OF THE NET EARNINGS OF THE HOUSING AUTHORITY, IF ANY, MAY INURE TO THE BENEFIT OF ANY PRIVATE SHAREHOLDER OR INDIVIDUAL.

4. THE HOUSING WAS DESIGNED AND CONSTRUCTED, IN WHOLE OR IN PART, USING FEDERAL FINANCIAL ASSISTANCE PURSUANT TO THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT (P.L. 104-330; 25 UNITED STATES CODE CHAPTER 43) OR USING TRIBAL GOVERNMENT MONIES.

B. TO APPLY FOR AN INITIAL EXEMPTION UNDER THIS SECTION, AN INDIAN TRIBE OR TRIBAL HOUSING AUTHORITY MUST SUBMIT THE FOLLOWING DOCUMENTS TO THE COUNTY ASSESSOR:

1. DOCUMENTS ESTABLISHING THE FEDERAL RECOGNITION OF THE INDIAN TRIBE.

2. DOCUMENTS ESTABLISHING THAT THE HOUSING AUTHORITY, IF ANY:

(a) IS FORMALLY DESIGNATED BY THE TRIBE FOR THE PURPOSES OF OWNING AND OPERATING RENTAL HOUSING FACILITIES FOR INDIANS.

(b) IS RECOGNIZED AS A CHARITABLE INSTITUTION PURSUANT TO SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE.

3. LEGALLY BINDING DOCUMENTS THAT ESTABLISH A CURRENT AGREEMENT OR OTHER RESTRICTION THAT LIMITS THE PROPERTY'S USE TO LOW INCOME RENTAL HOUSING AND RELATED FACILITIES FOR INDIANS.

C. AN INDIAN TRIBE OR TRIBAL HOUSING AUTHORITY THAT SUBMITS THE DOCUMENTATION REQUIRED BY SUBSECTION B OF THIS SECTION FOR INITIAL TAX EXEMPT STATUS IS EXEMPT FROM THE REQUIREMENT OF FILING SUBSEQUENT AFFIDAVITS UNDER SECTION 42-11152 UNTIL THE PROPERTY IS CONVEYED TO A NEW OWNER OR IS NO LONGER USED FOR THE QUALIFYING PURPOSES UNDER SUBSECTION A, PARAGRAPH 1 OF THIS SECTION. IF ANY PART OF THE PROPERTY IS CONVEYED TO A NEW OWNER OR IS NO LONGER USED FOR THOSE QUALIFYING PURPOSES, OR IF ANY LEGAL OR EQUITABLE INTEREST IN ANY PART OF THE PROPERTY IS CONVEYED TO A NEW OWNER, THE TRIBE OR HOUSING AUTHORITY SHALL NOTIFY THE ASSESSOR OF THE CHANGE IN WRITING.

D. THIS SECTION SHALL NOT BE INTERPRETED TO PREVENT AN INDIAN TRIBE OR TRIBAL HOUSING AUTHORITY FROM MAKING VOLUNTARY PAYMENTS IN LIEU OF PROPERTY TAXES TO A COUNTY, CITY, TOWN, SCHOOL DISTRICT OR OTHER POLITICAL SUBDIVISION FOR PROVIDING SERVICES, IMPROVEMENTS OR FACILITIES FOR THE BENEFIT OF A LOW INCOME HOUSING PROJECT OWNED AND OPERATED BY THE TRIBE OR HOUSING AUTHORITY. ANY PAYMENTS IN LIEU OF TAX MAY NOT EXCEED THE MAXIMUM AMOUNT PERMITTED UNDER APPLICABLE FEDERAL LAW, IF ANY, OR THE ESTIMATED COST TO THE COUNTY, CITY,

1 TOWN, SCHOOL DISTRICT OR OTHER POLITICAL SUBDIVISION OF THE SERVICES,  
2 IMPROVEMENTS OR FACILITIES TO BE PROVIDED, WHICHEVER IS LESS.

3 E. FOR THE PURPOSES OF THIS SECTION:

4 1. "INDIAN" HAS THE SAME MEANING PRESCRIBED IN 25 UNITED STATES CODE  
5 SECTION 4103.

6 2. "INDIAN TRIBE" HAS THE SAME MEANING PRESCRIBED IN 25 UNITED STATES  
7 CODE SECTION 4103.

8 3. "LOW INCOME RENTAL HOUSING" MEANS HOUSING FOR INDIVIDUALS OR  
9 FAMILIES HAVING AN INCOME THAT DOES NOT EXCEED THE INCOME FOR A LOW INCOME  
10 FAMILY, AS DEFINED IN 25 UNITED STATES CODE SECTION 4103.

11 4. "RELATED FACILITIES" MEANS NONHOUSING FACILITIES THAT ARE LOCATED  
12 ON THE LOW INCOME HOUSING PROPERTY AND THAT ARE AVAILABLE FOR THE USE OF  
13 INDIAN TENANTS IN CONJUNCTION WITH THEIR USE OF THE HOUSING FACILITIES.

14 Sec. 2. Section 42-11152, Arizona Revised Statutes, is amended to  
15 read:

16 42-11152. Affidavit; false statements

17 A. Except as provided in sections 42-11109, and 42-11110 AND 42-11131  
18 and except for property described in sections 42-11125 and 42-11127, a person  
19 who claims exemption from taxation under article IX, section 2, 2.1 or 2.2,  
20 Constitution of Arizona, shall:

21 1. When initially claiming the exemption, appear before the county  
22 assessor to make an affidavit as to the person's eligibility. If a personal  
23 appearance before the county assessor would create a severe hardship, the  
24 county assessor may arrange a mutually satisfactory meeting place to make an  
25 affidavit as to the person's eligibility.

26 2. When claiming the exemption in subsequent years, appear before the  
27 county assessor or a notary public to make an affidavit as to the person's  
28 eligibility.

29 3. Fully answer all questions on the eligibility form or otherwise  
30 required by the assessor for that purpose.

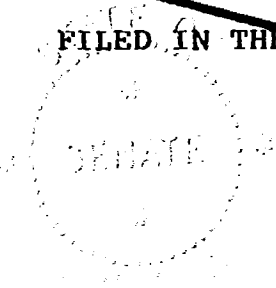
31 B. At the assessor's discretion, the assessor may require additional  
32 proof of the facts stated by the person before allowing an exemption.

33 C. A person who is in the United States military service and who is  
34 absent from this state or who is confined in a veterans' hospital or another  
35 licensed hospital may make the required affidavit in the presence of any  
36 officer who is authorized to administer oaths on a form obtained from the  
37 county assessor.

38 D. A false statement that is made or sworn to in the affidavit is  
39 perjury.

APPROVED BY THE GOVERNOR MAY 9, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2005.



Passed the House March 7, 2005

Passed the Senate April 19, 2005

by the following vote: 35 Ayes,

by the following vote: 22 Ayes,

19 Nays, 6 Not Voting

4 Nays, 3 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

Speman L. Moore  
Chief Clerk of the House

Charmine Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2441

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 28, 2005,

**FAILED**  
by the following vote: 28 Ayes,

24 Nays, 8 Not Voting

Thomas L. Moore  
Speaker of the House  
*Pro Tempore*  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

H.B. 2441

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,


at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

**ON RECONSIDERATION**

**HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE**

Passed the House May 3, 2005  
by the following vote: 36 Ayes,  
20 Nays, 4 Not Voting

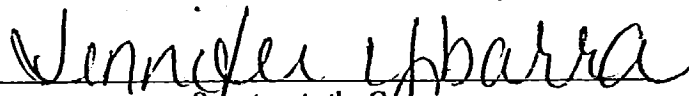
  
\_\_\_\_\_  
Speaker of the House  
Pro Tempore  
Herman L. Moore  
\_\_\_\_\_  
Chief Clerk of the House

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

3rd day of May, 2005

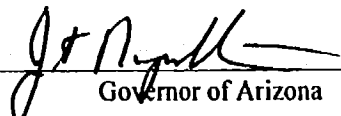
at 4:45 o'clock P. M.

  
\_\_\_\_\_  
Secretary to the Governor

Approved this 9 day of

May, 2005,

at 4:30 o'clock P. M.

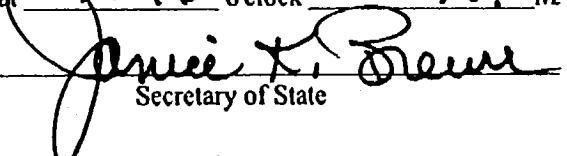
  
\_\_\_\_\_  
Governor of Arizona

H.B. 2441

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

This 10 day of May, 2005,

at 9:26 o'clock A. M.  
  
\_\_\_\_\_  
Secretary of State